IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22085 of 1994

Between:

1 A. Venkatarao, S/o. Veera Raghavaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
2 Parri Raghuramaiah, S/o. Penchalaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
3 B.Amaraiah, S/o. Penchalaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
4 A.Veera Raghavaiah, S/o. Narasaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
5 C.Penchalaiah, S/o. Guravaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
6 B. Seshaiah, s/o. venkataiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
7 C.Peda Penchalaiah, S/o. Chinnaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
8 C.Ankaiah, S/o. Ramaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
9 C.Ramaiah, S/o. Pullaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
10 P.China Penchalaiah, S/o. Penchalaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
11 T.Ragamma, W/o. Yamaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
12 B.Raghavendra Kumar, S/o. Rangaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.

13 C.China venkataiah, S/o. Seshaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
14 P.Subba Ramaiah, S/o. Nagaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
15 C.Rangamma, W/o. veeraraghavaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
16 S.Papamma, W/o. Pakiraiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.
17 R.Venkata Ramanaiah, S/o. Ramaiah,
R/o. Jatlakondur, H/o. Bandapalle,
Manubolu(M), Nellore Dist.

..... PETITIONERS

AND

The Mandal Revenue Officer,
Manubolu (M), Nellore Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue an appropriate Writ ,order or direction particularly one in the nature of Writ of Mandamus declaring the proceedings of the respondent in Rc.B.248/88 dt.24.10.1994 as illegal, arbitrary,unjust and violative of Principles of Natural justice and set aside the same and pass order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.V.SIVAIAH

Counsel for the Respondent: G.P. for Revenue.

The Court made the following :

THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO. 22085 OF 1994

ORDER:-

Heard both the learned counsel. Petitioners, who claim to be the assignees, filed this writ petition, inter alia, challenging the impugned proceedings dated 24-10-1994

passed by the respondent.

The main grievance of the petitioners is that the impugned order is passed without any notice and enquiry and thus, they are passed in violation of principles of natural justice.

It is pointed out by the petitioners that even on the earlier occasion, when similar attempts were made for assignment, this Court in Writ Petition No.219 of 1991 as per the orders dated 5-4-1991 directed the respondents therein to give notice and pass orders and in spite of the said orders, no notice was given to them and orders came to be passed. Hence the writ petition.

After hearing the learned counsel on either side, it is seen that admittedly the impugned orders are one without any notice and opportunity and that the petitioners are in possession of the property all along. In view of the same, it is not necessary to go into the merits of the case.

Accordingly, this writ petition is allowed and the impugned orders are set aside and the respondents are directed to pass fresh orders in accordance with law after giving notice and opportunity to the petitioners. No costs.

09—07—2004.

Stv/-

To

1. The Mandal Revenue Officer,
   Manubolu (M), Nellore Dist.

2. Two CCs to the G.P for Revenue, High Court Buildings, Hyderabad(O.U.T).

3. Two CD copies.

4. One spare copy.